

October 31, 2005

Attorney Docket No.: us010387

Serial No.: 09/808,002

Filed: March 15, 2001

REMARKS

Applicant responds hereby to the Office Action dated June 29, 2005. Applicant has amended claims 1-8 and 15, the time for responding to which has been extended one month, by the accompanying Petition For Extension Of Time, up to and until October 29, 2005.

Response To Rejections Under 35 USC 101

Claims 1-7 were rejected under 101 because they were directed, before amendment, to a medical report, asserted to be non-statutory.

Claims 2-7 are also asserted, before amendment, to be non-statutory under 101 for failure to disclose structural elements.

Applicant has amended claims 1-7 to recite a report generator, including means for carrying out the elements as originally claimed. Accordingly, applicants respectfully request withdrawal of the Section 101 rejections of claims 1-7.

Response To Rejections Under 35 USC § 102(e)

Claims 1-4, 6-11, 13-18 and 20-23 were rejected under 35 USC § 102(e) as unpatentable over US Patent No. 6,611,846 to Stoodley, as set forth in paragraph 5 of the outstanding office action.

The Examiner asserts that Stoodley discloses a report downloaded to a computer (col. 15, lines 4-16) including a stored list of diagnosis **to be selected by a user** (Fig. 2A and 2D, col. 10, lines 11-30), fields for displaying test results for a given patient in a table, by a central server (col. 10, line 65, through col. 11, line 6; col. 15, lines 4-16; col. 15, lines 29-67 and col. 17, lines 5-15. The Examiner further asserts that her construction of the claim language "the measurement replacing the field" renders it equivalent functionally to "inserting results into a table with fields."

October 31, 2005

Attorney Docket No.: us010387

Serial No.: 09/808,002

Filed: March 15, 2001

Applicant respectfully disagrees. Applicant's independent claim 1 sets forth a report generator for automatically and electronically generating a computer-readable medical report. The report generator includes means for providing for at least one predetermined field arranged within the medical report that includes data representative of a medically relevant characteristic, and means for automatically inserting the data representative of said medically relevant characteristic is automatically inserted into said at least one predetermined field upon report generation.

With respect to claim 1, Stoodley may include (assuming arguendo) "a report downloaded to a computer including a stored list of diagnosis to be selected by a user," however, applicant's claim 1 does not set forth the limitation of a "stored list of diagnosis a report downloaded to a computer (col. 15, lines 4-16), including a stored list of diagnosis to be selected by a user. Applicant's claim 1 as amended, in contrast, sets forth a report generator for automatically and electronically generating a computer-readable medical report, including means for providing for at least one predetermined field arranged within the medical report that includes data representative of a medically relevant characteristic, and means for inserting the data representative of said medically relevant characteristic automatically into the at least one predetermined field upon report generation.

Stoodley teaches a diagnosis screen 56, with categories shown by field for anatomy, pathology and clinical representations, which categories allow for any number of data items to be entered from a drop-down list of data options, and a new diagnosis button 60. And while the Examiner asserts that her construction of the claim language "the measurement replacing the field" renders it equivalent functionally to "inserting results into a table with fields," applicant's measurement replaces the field automatically, not by user input via drop down menu, every time a report is generated.

Stoodley just does not teach or suggest a report generator for automatically and electronically generating a computer-readable medical report, including means for

October 31, 2005

Attorney Docket No.: us010387

Serial No.: 09/808,002

Filed: March 15, 2001

providing for at least one predetermined field arranged within the medical report that includes data representative of a medically relevant characteristic, and means for inserting the data representative of said medically relevant characteristic automatically into the at least one predetermined field upon report generation.

Accordingly, applicant respectfully asserts that independent claim 1 is patentably distinct from Stoodley under 102(e), for at least the reasons set forth, and requests withdrawal of the rejections to claim 1 under Section 102 in view of Stoodley. Applicant further asserts that independent claims 8, 15 and 23, are patentable under 102(e) in view of Stoodley because they claim all of the limitations of independent claim 1, which renders claim 1, and claims 8, 15 and 23, patentable under 102(e) in view of Stoodley. Hence, applicant respectfully requests the withdrawal of the rejections of independent claims 1, 8, 15 and 23 in view of Stoodley.

Moreover, because dependent claims 2-4, 6-11, 13-18 and 20-22 depend from independent claims 1, 8 and 15, respectively, applicant asserts that claims 2-4, 6-11, 13-18 and 20-22 are patentably distinct from Stoodley under Section 102, and respectfully requests withdrawal of the rejection of those claims.

Response To Rejection, Under 35 USC § 103

Claims 5, 12 and 19 were rejected under 35 USC § 103(a) as unpatentable over Stoodley as applied to independent claims 1, 8 and 15, as set forth above re 102(e), and further in view of US Patent No. 5,851,185 to Wood, et al.

Examiner Black asserts that Stoodley fails to disclose a report updating the measurement at the time the report is generated, and every time the report is viewed, but that Wood discloses the use of a one-click update button which compels and HTTP server and CGI program to update a remotely displayed image (col. 11, line 29-col. 12, line 11), and that it would have been obvious to the skilled artisan to combine Stoodley with Woods to realize applicant's inventions as set forth in claims 5, 12 and 19.

October 31, 2005
Attorney Docket No.: us010387
Serial No.: 09/808,002
Filed: March 15, 2001

The Examiner further asserts that the inherent motivation for combining the two references (presuming the combined references realize what is claimed) is found in Wood at col. 11, line 54 to col. 12, line 11: desirability of performing exams and reviewing data remotely.

Applicant respectfully disagrees.

That is, and as stated above, Stoodley does not teach or suggest a medical report generation system for generating a medical report, method for automatic report generation, or a computer readable medium, each of which sets forth data fields for inclusion in the report of data representative of a medically relevant characteristic where the data representative of said medically relevant characteristic is automatically inserted into said at least one predetermined field upon report generation, a limitation in each of applicant's independent claims.

Hence, and assuming arguendo, even if Wood includes the features set forth at paragraph 7 of the outstanding office action, the combination would not be obvious under Section 103 for a number of reasons. First, there is no teaching or suggestion in either reference for combining the two. Second, the combination would not include the essential elements which are not found in Stoodley. Hence, claims 5, 12, and 19 are patentable under 103(a) in view of the Stoodley/Wood combination for at least the reasons set forth above with respect to the rejection under 102 in view of Stoodley. Applicant, therefore, respectfully requests withdrawal of the rejection of claims 5, 12 and 19.

October 31, 2005

Attorney Docket No.: us010387

Serial No.: 09/808,002

Filed: March 15, 2001

Conclusion:

If any points remain in issue that may best be resolved through a personal or telephonic interview, Examiner Bleck is respectfully requested to contact the undersigned at the telephone number listed below.

Dated: October 31, 2005

Respectfully submitted,

John F. Vodopia (36,299)

Attorney for Applicant

914 333 9677

PHILIPS INTELLECTUAL PROPERTY
& STANDARDS
P.O. Box 3061
Briarcliff Manor, NY 10510-8001